

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID TATRO,

Defendant.

Case No. 20-mj-02066-DPR

MOTION FOR DETENTION

Comes now the United States of America, by and through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and the undersigned Assistant United States Attorney, and hereby moves this Court to order the detention of the defendant, **DAVID TATRO**, and states the following in support of the motion:

1. A complaint has been filed charging the defendant with receipt and distribution of child pornography, in violation of Title 18, United States Code, Sections 2252(a)(1) and (b)(1).
2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions “will reasonably assure the appearance of such person as required and the safety of any other person and the community” if the attorney for the Government moves for such a hearing and the case involves:

“(E) any felony that is not otherwise a crime of violence that involves a minor victim... .”

3. Title 18, United States Code, Section 3142(e) mandates, subject to rebuttal, “it shall be presumed that no conditions or combination of conditions will reasonably assure the appearance of a person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that there is probable cause to believe that the person committed—(E) an offense involving a minor victim under section 2252(a)(2)... of this title.”
4. On August 13, 2020, Department of Homeland Security Special Agent J.D. Holdman and other law enforcement personnel executed a search warrant authorized by this Court upon the defendant’s residence. The warrant was obtained after Microsoft alerted the National Center for Missing and Exploited Children of the discovery of images depicting child pornography on the defendant’s One Drive account.
5. The defendant was later interviewed by the investigators after being advised of his *Miranda* rights. The defendant confessed to downloading child pornography from the Internet for approximately two years.
6. Additional search warrants were sought to obtain access to the defendant’s Mega and OneDrive accounts.
7. On October 16, 2020, Special Agent Holdman viewed the contents of the defendant’s Mega account. Multiple images and video files containing depictions of child pornography were discovered. One of the videos reviewed

by the agent depicted a crying child, approximately five years old, being raped by an adult male who is restraining the child by her wrists. Another file depicts a juvenile female bound by the legs with duct tape.

8. This Court is obligated to consider “the nature and circumstances of the offense charged, including whether the offense... involves a minor victim... .” See 18 U.S.C. § 3142(g)(1).
9. The evidence against the defendant is overwhelming. See 18 U.S.C. § 3142(g)(2).

Wherefore, based upon the foregoing, the United States submits that there is clear and convincing evidence that there are no conditions which the Court could place upon the defendant that would reasonably assure the defendant’s appearance in Court and the safety of the community. The Government therefore requests that a detention hearing be held and that the defendant be detained pending trial of this matter.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By: /s/ James J. Kelleher
James J. Kelleher
Assistant United States Attorney
Missouri Bar No. 51921

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered October 29, 2020, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ James J. Kelleher
James J. Kelleher
Assistant United States Attorney